



MINUTES

MERCHANTVILLE JOINT LAND USE BOARD

Tuesday, June 9, 2020, 7:30pm
Public Meeting Held by Zoom Video and Teleconference

1. CALL TO ORDER

Chairman Brennan called the meeting to order at approximately 7:33pm.

2. OPEN PUBLIC MEETINGS ACT

The Chairman advised that the meeting was being held in accordance with Open Public Meetings Act.

3. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE.

The pledge of allegiance was conducted.

4. ROLL CALL.

Ms. Wuebker called the roll.

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lamney	Lehman	Licata	Stewart	Uricchio	Woods		
X		X	X	X	X	X	X	X		

5. OLD BUSINESS

- Approval of Meeting Minutes - May 12, 2020. Meeting minutes are not available yet for review. They are tabled.

6. NEW BUSINESS

- **JLUB # 2020-1 Adrian Rowan/ A. Rowan Photo LLC, 1 E Chestnut Avenue (Block 58, Lot 14)**
Application for Minor Site Plan due to Change of Use for Live/ Work Space; Parking Variance; Use Variance for Continued Residential Use on Portion of First Floor

Adrian Rowan, the Applicant, and contract purchaser of the subject property was sworn in.

David Wollman, the attorney representing Ms. Rowan and A Rowan Photo LLC, advised of the nature of the application, including change of use, minor site plan approval, use variance, and variance for parking. Ms. Rowan wants to live at the property and use most of the first floor for a photography studio and women's clothing retail shop. While photography studios are permitted in the zone, the residential kitchen and the laundry will remain on the first floor, triggering the need for the use variance. The following were Ms. Rowan's responses to questions by Mr. Wollman.

Ms. Rowan stated she is a photographer and has a studio in Haddonfield currently. She explained how she has been doing photography for a long time, focusing on women's photography and empowering women. She used to work at the Pentagon as a military photographer. When she was a civilian, she worked at an air force base doing dignified transfers for fallen soldiers. She pursued a masters degree in photography in England.

She explained why she chose this site for her residence and business. She explained the nature of surrounding properties. The businesses will be on the first floor of the building. Everything but the kitchen will be used for the studio/shop. There are pocket doors that can be blocked off from the residential part. There are 3 parking spaces behind the house. There is public parking nearby on Centre

Street and the municipal parking lot is across the street. She will not have employees now, but in the future may have 1 or 2 part-time employees. She explained the expected customer frequency. Her photography studio is high priced, low volume type of business. Her photography hours will be Tuesday –Friday 11-6. She expects the retail business to start in about 3-6 months, the hours of operation would be later because people work during the day. Probably 10am-9pm, if that is permissible in the town.

As for the special events she mentioned in her application, she does not see her business having any substantial impact on her neighbors. They are usually 20 people or less and are usually indoors. However, sometimes they will do yoga events on the lawn, or wine on the porch. She would abide by any quiet hours of the town. She does events with other businesses to cross-promote each other. She does expect to get deliveries from Fed Ex, UPS but no tractor trailers. She will not be generating a lot in terms of trash and recycling.

She worked with Bordi Designs on the proposed signage, which is part of her application. It will be submitted to the Historic Society to get their input on colors, etc.

She currently lives in Palmyra and is the Vice President of the Improvement Association. It is important for her to be a part of the community, by volunteering and helping to showcase what is best about the community. She hopes the Board agrees that she will be a good asset to Merchantville.

Mr. Madden asked for clarification of hours of operation. She clarified that for the clothing store, it would likely be open 6 days a week Tuesday -Sunday. Mondays would be closed.

Mr. Lammey asked about the number of people for special events. She says she does them now in Haddonfield. They are never more than 20 people at a time. They are usually afternoons and evening events. She would stay within whatever the Town wants.

Ms. Wuebker asked how often the special events would occur – Ms. Rowan responded they were doing bi-monthly events (events every 2 months). Sometimes they occur at other businesses. Ms. Wuebker asked for clarification of wine being served. Ms. Rowan explained that they never sell food or drinks. Typically it's providing wine and water and hors d'oeuvres for people to snack on. Ms. Wuebker explained that in the past the Borough has advised businesses that need to abide by state law and if you don't have a license to serve alcohol that you should be notifying your insurance company when you are serving alcohol at those events for liability purposes;

A Board member asked where people will park when there are special events. There was a discussion about the parking on Centre, Chestnut, and municipal parking lot.

A Board member asked about the lighting for the proposed signage. She says is still working with Bordi Designs on this, but it will be subtly externally lit, probably from the ground, and any lighting would likely turn off around 9 or 10 at night. Mr. Uricchio shared the proposed sign plans on the screen with the Board and Zoom attendees. Mr. Uricchio likes the sign, just wanted to make sure it wasn't going to be lit internally. Ms. Wuebker advised that any type of exterior improvements will be reviewed by the Historic Preservation Commission at their next meeting.

A Board asked whether the front entrance on Chestnut would be used for the business. Ms. Rowan said the entrance for the business will be the side entrance on Centre Street.

A Board member asked whether there will be any ADA improvements to the site. Ms. Rowan said its in the future; doesn't have money in the budget now to do that. She would meet off-site for those clients in the interim, until she has a ramp in. Mr. Hanson, Board Engineer, advised that he amended his letter

on this issue; the jurisdiction of the ADA for the building falls under the Building Official's jurisdiction so whatever he requires her to do would be covered at that time.

A Board member asked whether the 3 parking spaces on the site would be marked. Ms. Rowan advised that she was not planning on doing that, but she is open to if the Board would like her to do that. The Chairman advised that the Board has not historically required that.

There was a discussion about the exterior lighting for the parking lot area. A board member advised that there does seem to be a decent amount of lighting in that area. Mr. Hanson advised that it should be reviewed at night to ensure that any pedestrian travel and on-site parking lot will meet lighting levels required in the code. With regard to the minor site plan waivers requested, he thinks enough information was supplied to review the application. Mr. Hanson went over the remaining items in his letter. There is a gap in the fence and the driveway is overgrown; both should be addressed, but doesn't need to be conditions of approval, per se. He would've taken a closer look at the drainage, sidewalks, and curbs but it's his understanding the County has a road improvement project occurring in the near future at that intersection that will address those matters.

Ms. Wuebker summarized her planning review letter. She explained that the proposed live/work use is what is triggering the use variance. The property has historically been used as a residence, but it's zoned for business purposes. The use variance aspect of the application isn't triggered by the proposed photography studio or retail use, which are both permitted uses, but the fact that she is seeking to maintain a part of the residence on the first floor (i.e., kitchen, laundry room). The zoning district allows mixed-use but requires residential uses to be on upper floors.

Ms. Wuebker wants to remind the board that the applicant's request for various submission checklist waivers should be addressed in any resolution on the matter. It's her opinion that the applicant can meet the standards for a use variance, based on the information that she has heard thus far. The proposed use furthers the purposes of the municipal land use law in that the site is particularly suitable for a live/work environment, as it's a historic structure on the corner of Chestnut and Centre, the primary commercial corridor in the Borough. The proposed use doesn't substantially thwart the intent of the ordinance. Incorporating a business into the structure will help implement what the business zoning is trying to accomplish. The proposed use will further goals of master plan; it will bring more human activity/vitality to Centre Street. The proposed use contributes to the opportunity for synergy between the various uses, as customers of her business may frequent other surrounding businesses, and vice versa.

As far as the parking is concerned, while the parking in the municipal parking lot is planned for redevelopment at some point in the future, there is parking on both East and West Chestnut, on Centre Street, and there is also the Verizon parking lot that the Borough leases.

Ms. Wuebker asked a follow up question about the retail portion of the application. What type of accessories will she be selling? Ms. Rowan responded women's boutique items, like bath bombs.

Ms. Wuebker advised that after any potential approval from the Board, the applicant will still need to get a Certificate of Occupancy from the Construction Official, as there is a change of use of the structure from residential to now business/residence. Mr. Madden mentioned taxes as condition of any approval. Ms. Wuebker explained that the Board typically gets a 'certification of payment of taxes' with applications, but in this instance there are taxes overdue. Therefore, any type of approval should be conditioned upon payment of taxes at closing.

Mr. Madden asked if anyone from the public wanted to speak on the application.

Ryan Middleton, 21 N. Centre Street, lives a few houses down on Centre Street. He thinks it's a perfect use for that property. It would be very difficult to completely separate the residential use, given the way the structure is set up. It would be a tremendous burden for that property. He likes that she is wanting to live, work, and invest in this town, and that is what Merchantville needs more of, and thanks the applicant for coming to Merchantville.

No other persons wish to speak on the application. The Chairman closed the public portion of the hearing and asked if the Board was prepared to consider a motion.

Mr. Madden clarified that since the application is a use variance, only 7 members will be voting and 5 affirmative votes are needed. The Mayor's designee and Councilman Woods are not allowed to vote on the application. He recapped who is eligible to vote on the matter and recapped the application request.

Ms. Stewart made a motion for use variance approval, as described by the applicant, as well as site plan waiver, parking variance (where 6 parking spaces are required and 3 parking spaces are provided), and any and all design and submission waivers that are necessary, with the condition that any taxes owing be paid in full. Mr. Uricchio seconded the motion.

Board members voted as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
Yes		Yes	Yes	Yes	Yes	Yes	Yes	Abstain		

- **JLUB #2020-2 Chris Mattern/ Eclipse Brewery, 25 E Park Avenue (Block 29, Lots 1&9)**
Application for outdoor seating area; Conditional Use or Amended Use Variance Approval;
Parking Variance; Minor Site Plan Approval

The Chairman introduced the next item on the agenda. Mr. Madden swore in Chris Mattern and Beth Manning, who reside at 201 Crestwood Avenue, Haddon Township, NJ.

Ms. Manning explained that they have plans to have permanent outdoor seating on the front grass areas of the brewery facing Park Avenue. They want to put up a 3' ornamental fence, with 2 picnic tables and 8 chairs.

There was a brief discussion about the recent ABC 'extension of premises' permit ruling that it allows them to expand into outdoor areas temporarily because of the pandemic. Chairman Brennan said that anything the Board does will be subject to the ABC. Ms. Wuebker advised that the Board doesn't need to worry about the temporary outdoor seating tonight as that will be handled directly with the Borough and we don't want to confuse the Board.

Ms. Wuebker recapped that when the applicants originally came to the Board several years ago, it was for a use variance. Since that time, the Borough has amended the ordinance to allow micro- breweries as conditionally permitted uses. Tonight, they are seeking either a conditionally permitted use or amended use variance approval, whichever is needed, and minor site plan approval for the 1700 SF outdoor seating area, which also triggers the need for a parking variance.

Last week they were before the Historic Preservation Commission, which evaluated the proposed furniture, fence, and proposed lighting. They proposed wooden picnic tables and either Adirondack

chairs or metal frame chairs with mesh seating. The HPC was fine with either proposal. As for lighting, they proposed Christmas type of string lights, but the Commission recommended that the Thomas Edison café style lighting be installed instead. The ornamental fence is kind allowed by ordinance.

Mr. Hanson went over his engineering review letter; the applicants should review manufacturer specs or work with the manufacturer of the lighting to make sure it will adequately illuminate the area to the levels that are required by code. He can do a night light test once it's installed, if the Board wants him to.

Ms. Manning advised they are working on the lighting and trying to do it in a way that they will provide adequate lighting over the area, but not be bothersome to the neighbors. They also have 4 spotlights on each corner of the building that they can use. If it turns out that they need to be shielded in anyway, they will do that.

Mr. Madden advised that it is not a use variance application since the ordinance has been revised. There are only 2 conditions for the conditional use -- that there be no outdoor storage and that the business operations close by 11pm. Ms. Manning and Mr. Mattern agree that they meet those conditions.

With regard to parking variance part of the application, Mr. Madden opines that the redevelopment area overlay zone parking requirements govern, which is 3 parking spaces per 1,000 square feet of gross floor area. Since the gross floor area of the building is 2400 square feet (for both floors) and 1700 square feet for the outdoor area, this would require 13 parking spaces per the ordinance. There was a brief discussion whether both floors would be considered, or just the first floor. Mr. Madden considers 'gross floor area' to include the second floor, and Mr. Hanson explained that you round up when calculating parking needs; therefore, the proposal would require 13 parking spaces.

There was a discussion about availability of parking spaces. There are 5 parking spaces in their driveway that are mostly used for employee parking. Ms. Manning states that they also have 5 parking spaces in the municipal lot, but they aren't designated spaces. She states that there has always been plenty of parking available. There was a discussion about the availability of the municipal lot, the Verizon lot that the Borough leases, as well as parking on East Park Avenue, and East Chestnut. Mr. Madden advised that for the purposes of calculating the number of parking spaces being provided, the Board should focus on the ones that are on-site since the license agreement doesn't say you get a certain number of spaces. Therefore, there are 13 parking spaces required and 5 are being proposed, resulting in a variance being needed for 8 parking spaces.

A Board member asked if all the neighbors had been notified. There was a discussion of people being able to bring drinks outside and that they could have food delivered to the site. A Board member wanted to know whether there will be a trash container outside. The applicants stated there will be a trash container outside and employees will be monitoring the area. A Board member asked whether they have preliminary approval from ABC for outdoor area. They advised that ABC won't provide approval until it's done.

The applicants explained that even if a fence is not required by the ABC, they still want to install the fence. HPC has already reviewed and approved the fence. It will be a permanent type of fence, not a temporary structure. They verified they will maintain and prevent any weeds from growing.

Mr. Madden asked if any members of the public wanted to speak on this matter. The public portion was closed.

Ms. Wuebker asked if the applicants decide they want to change the location of the outdoor seating, for example, behind the building, rather than in the front yard in the future, whether they would have to come back to the Board. Mr. Madden advised it was a slippery slope. The Chairman stated that while he sees the benefits of allowing Borough Council to handle it as the property owner, he doesn't feel that the Board should give up its duties to review future changes. It was decided to just consider approval for what is before the Board at this time. If make changes to the location in the future, they would need to come back to the Board.

Mr. Woods made a motion for conditional use approval, a parking variance allowing the provision of 5 parking spaces where 13 are required, as well as minor site plan approval for the outdoor seating area, conditioned upon compliance with all testimony provided, and any outside approvals from the ABC and any other agency exercising jurisdiction. Mr. Licata seconded the motion. Mr. Madden called a roll call vote. Board members voted as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes		

7. PROFESSIONAL COMMENTS

- Borough Council Resolution R19-80 - Land Use & Economic Development Recommendations

Item number 7 is tabled because not ready to discuss it yet.

8. BOARD COMMENTS

There were no comments from the Board.

9. ADJOURNMENT

Mr. Lammey made a motion to adjourn the meeting, that was seconded by Ms. Stewart. All members present voted in favor of adjournment.